

#### **IV. REMARKS**

##### **A. Telephone Interviews**

On March 29, April 6 and 7, 2005, Applicants, through their undersigned counsel, conducted telephone interviews with the Examiner, Dr. Rawlings, regarding the Supplemental Amendment filed on February 14, 2005. Dr. Rawlings advised that the Amendment addressed, to his satisfaction, many of the issues set forth in the July 2, 2004 Office Action, but requested additional amendments of the claims and/or verification of certain items.

In particular, the Examiner:

- (i) advised that claims 13, 14, 51 and 52 are improper multiple-dependent claims because they depend from claim 5 which is also multiple dependent;
- (ii) advised that he is still concerned about the term "benchmark combined parameter" in claims 5, 41, 56 and 61, and suggested that this term be either defined in the claims (e.g., by specifying that the combination of the total plasma TIMP-1 concentration with a free plasma TIMP-1 concentration of the non-colorectal cancer population was referred to as "non-colorectal cancer benchmark combined parameter", or that Applicants instead use the term "discriminating value");
- (iii) advised that claim 52 includes an improper Markush group, insofar as it uses the term "or" instead of "and";
- (iv) requested that in claim 52, line 2, Applicants delete "prior" because it is redundant with the word "had" preceding "prior";
- (v) requested that Applicants indicate support in the specification for claim 59; and

(vi) questioned whether claim 64 is necessary since it defines the percentile plot. The Examiner suggested cancelling claim 64, or amending claim 1 to include the recitation of claim 64.

Applicants pointed out that support for claim 59 is found in the specification, considered as a whole, e.g., page 4, lines 15-17 and page 6, lines 7-8. The Examiner agreed.

**B. Applicants' Amendments Address the Examiner's Requests**

Applicants amended their claims, in a manner consistent with the Examiner's suggestions or requests. In particular, Applicants amended claims 13 and 14, so that these claims are now proper multiple-dependent claims. Accordingly, claims 51 and 52 are now also proper. Claim 52 has been amended to delete "prior", and to correct the Markush group. Applicants also cancelled claim 64.

With respect to the term "non-colorectal cancer benchmark combined parameter", Applicants followed the Examiner's suggestion and now explicitly stated in the relevant claims the meaning of that term.

Applicants also made a few additional amendments to the claims to correct stylistical informalities or change dependency of some claims.

Applicants submit that none of the claim amendments is made for any purpose relating to patentability. Rather, the amendments are made to correct certain informalities, and they are not to be construed as limiting the scope of Applicant's claimed invention.

**C. Amendments of Specification.**

Applicants amended portions of the specification to correct some typographical errors and use alternative terminology found in the specification. The amendments find written description support in the application as filed, considered as a whole. For example, support for "detection or screening" is found at page 4, lines 6-11, page 5,

lines 21-24 and page 7, lines 4-10. Support for the amendment at page 34, lines 5-9, is found, for example, at page 7, lines 19-21, and in the original text at page 34, lines 5-9.

**D. Request for Allowance.**

In view of Applicants' amendments being compliant with the Examiner's suggestions, Applicants respectfully submit that all claims are now in condition for allowance, an indication of which is solicited. In the event any outstanding issues remain, Applicants request the courtesy of a telephone call to the undersigned counsel to resolve any such issues in an expeditious manner and place the application in condition for allowance.

If any fees are necessitated by the filing of this Amendment, please charge the undersigned's Deposit Account No. 50-0206.

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